

PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

DIVISION OF COASTAL AND LAND USE PLANNING

Proposed Amendment to the Northeast, Upper Delaware, and Upper Raritan Water Quality Management Plans

Public Notice

Take notice that the New Jersey Department of Environmental Protection (Department) is seeking public comment on a proposed amendment to the Northeast Water Quality Management (WQM) Plan, Upper Delaware WQM Plan, and Upper Raritan WQM Plan (all of Morris County with the exception of those portions of Jefferson Township, Mount Arlington Borough, Mount Olive Township, and Netcong Borough that are located in the Sussex County WQM planning area). This amendment submitted on behalf of the Board of Chosen Freeholders of Morris County as the responsible Wastewater Management Planning Agency, proposes a County-wide Wastewater Management Plan (WMP) for Morris County that includes a Chatham Township chapter. This amendment has been prepared pursuant to the New Jersey Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq., and the WQM Planning rules, N.J.A.C. 7:15. This proposed amendment is only of the Morris County WMP for that portion of Morris County within the Northeast WQM planning area, the Upper Delaware WQM planning area, and the Upper Raritan WQM planning area.

This WMP will replace all previously adopted municipal and municipal utility authority WMPs in Morris County with the exception of those portions of Jefferson Township, Mount Arlington Borough, Mount Olive Township, and Netcong Borough that are located in the Sussex County WQM planning area, and with the exception of Florham Park Borough, which has an adopted municipal WMP that remains in effect, and which is adopted by reference as the appropriate municipal chapter in the proposed Morris County WMP. The Florham Park Borough WMP addresses Florham Park Borough and parts of East Hanover Township, Hanover Township, and

Morris Township. This WMP will be updated as individual municipal chapters are completed and proposed as separate amendments to the applicable WQM Plan(s). Pursuant to the WQM Planning rules at N.J.A.C. 7:15-5.3(g), a wastewater management planning agency may submit a WMP that covers only a portion of the wastewater management planning area provided that the submitted WMP addresses an entire municipality. Further, pursuant to the WQM Planning rules at N.J.A.C. 7:15-5.14, independent municipal chapters within a county-wide WMP may be adopted independent of other chapters.

The proposed WMP complies with the WQM planning rules at N.J.A.C. 7:15-5.15 to 5.20 and identifies areas to be served by sewage treatment facilities/sewer systems as well as areas to be served by septic systems with design flows of equal to or less than 2,000 gallons per day. The proposed WMP provides a County-wide narrative addressing current wastewater and water supply service, environmental and other land features, and existing infrastructure in Morris County. However, the proposed WMP addresses future wastewater service capacity, water supply availability, and non-point sources of pollution in detail only for Chatham Township.

Pursuant to the provisions of the New Jersey Water Quality Planning Act, the Statewide WQM Planning rules, and P.L. 2011, c. 203, the Department adopted the Morris County Future Wastewater Service Area (FWSA) Map for the Northeast WQM Plan, Upper Delaware WQM Plan, and Upper Raritan WQM Plan on April 25, 2013. See 45 N.J.R. 1259(a). The FWSA Map identifies areas to be served by sewage treatment facilities/sewer systems as well as areas to be served by septic systems with design flows of equal to or less than 2,000 gallons per day. The adopted map modified previously approved SSA to exclude environmentally sensitive areas that were not connected to sewer systems at the time of adoption of the FWSA Map. Additionally, the map removed areas from SSA based on local planning initiatives, and also included areas previously excluded from SSA based on local planning objectives. The FWSA Map only modified the wastewater service area mapping portions of the WQM plans. No modifications to the currently adopted future wastewater service areas are proposed as part of the proposed Morris County WMP.

In accordance with N.J.A.C. 7:15-5.25(c), an environmental build-out analysis (build-out analysis) to identify future projected wastewater flow was developed for each existing and proposed wastewater service area, on a hydrologic unit code (HUC) 11 basis in Chatham Township. The existing and future wastewater treatment needs of each SSA associated with each specific wastewater treatment facility identified in Chatham Township were evaluated. The build-out analysis was performed to project wastewater flow for either undeveloped or underdeveloped parcels within the existing and future SSA. Environmentally constrained areas have been excluded for purposes of projecting wastewater flow, and include wetlands, floodways, and stream corridors. Wastewater flow projections are calculated based upon the current municipal zoning and included potential development of all remaining non-environmentally constrained parcels of vacant land underdeveloped residential and commercial property and any existing parcels currently served by individual subsurface sewage disposal systems (ISSDSs) that are located within the adopted SSA and not currently provided sanitary sewer service. The wastewater flow was projected applying the appropriate criteria listed at N.J.A.C. 7:14A-23.3. The total projected wastewater flow for undeveloped and underdeveloped areas within Chatham Township's existing and future SSA was used in conjunction with the estimated existing wastewater flow, as described below, to assess whether sufficient capacity exists to accommodate future need.

Pursuant to N.J.A.C. 7:15-5.25(d) an analysis was performed to assess the existing and future wastewater treatment needs for each wastewater treatment plant in Chatham Township. The existing wastewater flow for each wastewater treatment was calculated based on the average of the monthly metered flow over the 12 month period ending April 30, 2013, as reported to the Department in the Discharge Monitoring Reports (DMRs) received from all wastewater treatment plants. The existing wastewater flow volumes from each wastewater treatment plant and the future wastewater flow as projected in the build-out analysis as indicated above are combined to determine the total projected future wastewater flow from each SSA associated with the specific wastewater treatment plant within Chatham Township and utilized to assess whether sufficient capacity exists to accommodate future need.

The analyses performed pursuant to N.J.A.C. 7:15-5.25(c) and (d) as described above demonstrate that the potential wastewater generation from SSA does not exceed the permitted capacity for the associated treatment facility in Chatham Township.

There are significant actions included in the proposed amendment relating to the Township of Chatham wastewater treatment plant at Tanglewood Lane (Chatham Main) (NJ0020290) and Chatham Glen wastewater treatment facilities. The Chatham Main plant currently discharges into an unnamed tributary to Black Brook, a tributary to the Passaic River. The Chatham Main plant is unable to comply with their Total Dissolved Solids (TDS) effluent limitations in the existing New Jersey Pollutant Discharge Elimination System (NJPDES) permit. As such, an Administrative Consent Order (ACO) between the Department and the Township of Chatham dated June 26, 2003, was agreed upon to grant temporary relief and explore alternatives to achieve compliance with the TDS effluent limitation.

The Chatham Glen treatment plant, which is regulated under discharge to surface water permit No. NJ0052256 and currently discharges into the main stem of the Passaic River, is in need of substantial maintenance. In order to address the non-compliance issues related to TDS at the Chatham Main plant and the maintenance issues related to the Chatham Glen plant, the Township of Chatham is planning to route the untreated wastewater from the Chatham Glen plant to the Chatham Main plant. The wastewater will be commingled and treated at the Chatham Main plant and discharged to a new location in the main stem of the Passaic River near the current Chatham Glen outfall which will address the TDS issue. The proposed discharge point will be downstream from the location where Black Brook enters the Passaic River. Upon relocation of the outfall pipe to discharge treated combined wastewater from these two facilities, the NJPDES permit for Chatham Glen (NJ0052256) will no longer be required and will be terminated.

In accordance with N.J.A.C. 7:15-5.25(e), the future wastewater treatment needs were evaluated for those areas outside of SSA that are to be served by septic systems by determining the development density that can be accommodated in undeveloped and underdeveloped areas that will result in attainment of 2.0 mg/L in the ground water on a HUC 11 basis. Pursuant to the

Ground Water Quality Standards (GWQS) at N.J.A.C. 7:9C and the WQM Planning rules at N.J.A.C. 7:15, areas that are designated for septic systems must achieve a planning standard of 2.0 mg/L nitrate on a HUC 11 watershed basis. It is, therefore, necessary to determine how much development relying on ground water disposal of wastewater can be supported within a HUC 11 watershed basis while attaining this planning standard, using one of the nitrate dilution models described in the WQM Planning rules at N.J.A.C. 7:15-5.25(e)1i. Achieving the planning standard ensures that existing ground water quality will be maintained on a regional basis, thus ensuring compliance with the amended antidegradation policy in the GWQS. A nitrate dilution model developed by the Department was applied to estimate the minimum lot size necessary to achieve the planning standard. The analysis performed by Morris County for Chatham Township only addressed that portion of Chatham Township within the HUC 11. That analysis determined that, under current municipal zoning regulations, potential development densities will result in attainment of 2.0 mg/L nitrate in ground water on a HUC 11 watershed basis. In accordance with N.J.A.C. 7:15-5.25(e)3, to demonstrate that areas to be served by ISSDS are subject to a maintenance program, Chatham Township has adopted a Septic System Maintenance ordinance.

In accordance with N.J.A.C. 7:15-5.25(f), the water supply needs associated with the environmental build-out performed at N.J.A.C. 7:15-5.25(e) for Chatham Township were evaluated to determine whether the water supply needs can be met with existing, new, or expanded water supplies that do not conflict with the currently adopted New Jersey State Water Supply Plan (NJWSP), which was last adopted in August 1996. The analysis performed by Morris County for Chatham Township demonstrates that the existing water allocation permit(s) for the water supply purveyors within Chatham Township meet existing use and could serve future build-out as projected for Chatham Township. Further, there are no significant water supply issues identified in the current State Water Supply Plan for the planning areas impacting Morris County.

In accordance with N.J.A.C. 7:15-5.25(g), an assessment of nonpoint source pollution impacts of planned future development was conducted for Chatham Township. To demonstrate that ground water recharge shall be maintained and stormwater runoff quality shall be controlled in

accordance with the requirements of the Stormwater Management rules, N.J.A.C. 7:8, Chatham Township has adopted a stormwater management plan and ordinance that conforms with the requirements of N.J.A.C. 7:8. To demonstrate protection of riparian zones from disturbance, Chatham Township has adopted a riparian protection zone ordinance that conforms to the requirements of N.J.A.C. 7:15-5.25(g)2 and 3. To demonstrate that environmental standards for steep slopes are met, Chatham Township adopted a steep slope ordinance that protects steep slopes from new disturbance for projects or activities in conformance with N.J.A.C. 7:15-5.25(g)6.

In recognition of the New Jersey Highlands Council's authority within the Highlands Region, pursuant to the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et. seq. (Highlands Act), Highlands Act rules (N.J.A.C. 7:38), and the WQM Planning rules at N.J.A.C. 7:15-3.10, the Highlands Council will be provided an opportunity to review WQM Plan amendments and revisions within the Highlands Region.

This preliminary notice represents the Department's determination that the County's proposed WMP is in compliance with the regulatory criteria for identifying SSAs pursuant to N.J.A.C. 7:15. Approval of this amendment would not eliminate the need for any permits, approvals, or certifications required by any Federal, State, County, or municipal review agency with jurisdiction over any project/activity. Approval of this amendment would not provide any implied approval for any other aspects of any project or needed permits and approvals.

This notice is being given to inform the public that a plan amendment has been proposed for the Northeast WQM Plan, Upper Delaware WQM Plan, and Upper Raritan WQM Plan. All information relating to the WQM Plans and the proposed amendment is located at the Department, Office of Coastal and Land Use Planning, P.O. Box 420, Mail Code 401-07C, 401 East State Street, Trenton, New Jersey 08625-0420. The Department's file is available for inspection between 9:00 a.m. and 4:00 p.m., Monday through Friday. An appointment to inspect the documents may be arranged by calling the Office of Coastal and Land Use Planning at (609) 984-6888.

Interested persons may submit written comments on this proposed amendment to WQM Program Docket, Office of Coastal and Land Use Planning, at the Department of Environmental Protection, P.O. Box 420, Mail Code 401-07C, 401 East State Street, Trenton, New Jersey 08625-0420, with a copy sent to Ms. Christine Marion, Planning Director, Morris County Department of Planning and Development, Morris County Planning Board, P.O. Box 900, Morristown, New Jersey 07963-0900. All comments must be submitted within 30 days following this notice. All comments submitted prior to the close of the comment period shall be considered by the Department in reviewing the amendment request.

Interested persons may request in writing that the Department hold a non-adversarial public hearing on the amendment or extend the public comment period in this notice up to 30 additional days. These requests must state the nature of the issues to be raised at the proposed hearing or state the reasons why the proposed extension is necessary. These requests must be submitted within 30 days of the date of this public notice to WQM Program Docket at the Department address cited above. If a public hearing is held, the public comment period in this notice shall be extended to close 15 days after the public hearing.